



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,733	06/04/2001	Allen Chang	10010236-1	4762

7590 12/31/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LE, DAVID Q

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,733

Applicant(s)

CHANG, ALLEN

Examiner

David Q Le

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

Art Unit: 3621

DETAILED ACTION

Examiner's Note

1. The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all passages in the cited references as potentially teaching all or part of the claimed inventions.

Drawings

2. The informal drawings are not of sufficient quality to permit examination. Accordingly, new drawings are required in reply to this Office action.

Applicant is given a TWO MONTH time period to submit new drawings in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit new drawings will result in **ABANDONMENT** of the application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3621

4. **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Biddle et al** in view of **David**, US Patent Application Publications US 2002/0107809 A1 and US 2002/0073046 A1, respectively.

As per **claims 1, 8**.

Biddle discloses

A [method/system] of obtaining an authorization code from a vendor data processing system for activating a software application on a user data processing system (Abstract, Summary of the Invention), the method comprising:

establishing a license database (Par. 57, Fig 3A-C, associated text);

obtaining the internet protocol address of the user data processing system using the vendor data processing system (Par. 59);

Biddle does not recite that the user IP address is used as an identifier referencing licensed user systems. However he teaches that machine IDs may be used instead, and that machine IDs will work to trigger license authorization (Fig 19, associated text), i.e. "an authorization code will be sent to the user system" if the machine ID matches one in the license database. Biddle also teaches that user IP addresses may be easily captured by his system and may be used in log files (Par. 59).

David discloses a system for authorizing access to digital content (Abstract; Objects of the Invention; Summary of the Invention) wherein user IP addresses or machine IDs may be used as unique identifiers to authorize access to licensed products and services (Par. 23, 26, 47, 49).

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have combined the teachings from Biddle and David in order to provide an additional user identifier value – user IP addresses - to accurately reference licensed user computers. Such additional capability would make the licensing management system more versatile and offer more opportunity to verify the identity of users requesting access to licensed software. With the use of this additional identifier, the system will be able to automatically authorize more users faster; it will also, as a result, comprise the remaining limitations of claims 1 and 8:

including a plurality of internet protocol addresses referencing user data processing systems on which the software application is licensed to execute;

Art Unit: 3621

and if the internet protocol address is recorded in the license database, then transmitting the authorization code from the vendor data processing system to the user data processing system and activating the application with the authorization code (Biddle: Fig 19).

As per claim 2

Biddle in view of David discloses all the limitations of claim 1.

Neither reference recites

if the internet protocol address is not recorded in the license database, then requesting a user of the user data processing system to transmit a receipt code to the vendor data processing system, and transmitting the authorization code from the vendor data processing system to the user data processing system after receiving the receipt code.

However both references teach that when a user requests access but does not have matching ID (machine or IP address), the option to register and to arrange for payment is offered (Biddle: Fig 19; David: Fig 7, associated text). A receipt code, as claimed by Applicant is but another guarantee that the user will pay for the use of the requested software. Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made that a payment method or a receipt code would have been good options to offer to the user in this situation. This would be a good way to welcome new customers, by offering more flexibility with payment options.

As per claims 3, 11.

Biddle in view of David discloses all the limitations of claim 1 and 10 respectively.

Biddle in view of David further discloses (see above analysis of obviousness and motivation for claim 2).

presenting to the user data processing system options for entry of a receipt code or an order form for the software application if the internet protocol address is not recorded in the license database.

As per claim 10.

Biddle in view of David discloses all the limitations of claim 10 (see all above citations, obviousness and motivation analyses for claims 1-3, 8):

Art Unit: 3621

A computer implemented method of obtaining an authorization code from a vendor data processing system for activating a software application on a user data processing system, the method comprising:

- establishing a license database including a plurality of internet protocol addresses
- referencing user data processing systems on which the software application is licensed to execute;
- initiating installation of the software application in the user data processing system;
- obtaining the internet protocol address of the user data processing system using the vendor data processing system;
- if the internet protocol address is recorded in the license database, then transmitting the authorization code from the vendor data processing system to the user data processing system; and
- if the internet protocol address is not recorded in the license database, then requesting a user of the user data processing system to transmit a receipt code to the vendor data processing system and transmitting the authorization code from the vendor data processing system to the user data processing system after receiving the receipt code.

As per **claims 4, 12.**

Biddle in view of David discloses all the limitations of claim 1 and 11 respectively.

Biddle further discloses

processing a payment by the user for the software application in response to the presented order form (Fig 19-20, associated text).

As per **claims 13.**

Biddle in view of David discloses all the limitations of claim 11.

Biddle further discloses (Fig 20, associated text).

after receiving the authorization code completing installation of the software application.

As per **claims 5 and 14.**

Biddle in view of David discloses all the limitations of claims 1 and 11 respectively.

Biddle further discloses (see all above citations)

identifying a number of available software application licenses corresponding to the user that are not referenced to a particular internet protocol address and user data processing system; and if the internet protocol address is not recorded in the license database, then associating at least one of the

Art Unit: 3621

available software application licenses with the internet protocol address and transmitting the authorization code from the vendor data processing system to the user data processing system (Par. 59).

As per **claims 6 and 16-17**.

Biddle in view of David discloses all the limitations of claims 3 and 11 respectively.

Biddle further discloses

establishing a receipt code database including a plurality of users each associated with at least one software application license and if the receipt code is recorded in the receipt code database, then transmitting the authorization code from the vendor data processing system to the user data processing system (see all above citations).

As per **claims 7, 9, and 19**.

Biddle in view of David discloses all the limitations of claims 4, 8, and 12 respectively.

Both references further disclose (see all citations cited above)

processing a payment includes accessing a financial institution data processing system for conducting a payment verification.

As per **claims 15 and 18**.

Biddle in view of David discloses all the limitations of claims 14, and 17 respectively.

Biddle further discloses (see all above citations)

after obtaining the internet protocol address from the user data processing system:

if the internet protocol address is not recorded, then prior to presenting the order form to the user, performing steps (a) - (c):

(a) determining availability of at least one software application license corresponding to the user;

(b) if at least one license is available, then automatically transmitting the authorization code to the user data processing system and recording the internet protocol address in the license database; and

(c) if at least one the license is not available, then presenting the order form for the software application to the user data processing system.

As per **claim 20**.

Biddle in view of David disclose (see all above limitations, obviousness and motivation analyses)

Art Unit: 3621

A computer implemented method of obtaining an authorization code from a vendor data processing system for activating a software application on a user data processing system, the method comprising:

establishing a license database including a plurality of internet protocol addresses and associated software application identifiers of software applications licensed to execute on user data processing systems referenced by the internet protocol addresses;

initiating installation of the software application in the user data processing system; obtaining the internet protocol address of the user data processing system using the vendor data processing system;

if the internet protocol address is recorded in the license database, then transmitting the authorization code from the vendor data processing system to the user data processing system; and

if the internet protocol address is not recorded in the license database, then requesting the user to transmit a receipt code to the vendor data processing system and presenting the user with the authorization code after receiving the receipt code.

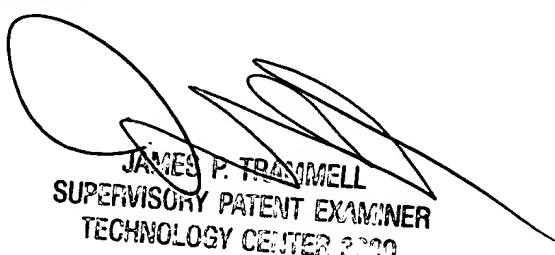
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Le whose telephone number is 703-305-4567. The examiner can normally be reached on 8:30am-5:30pm Mo-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DQL


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2200